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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 | LEE EDWARD PEYTON,

Plaintiff,

C 13-04232 VC (PR)

V.

RANDY GROUNDS,

Defendant.

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION FOR ORDER
REVOKING PLAINTIFF'S *IN FORMA
PAUPERIS* STATUS**

Judge: The Honorable Vince Chhabria
Action Filed: September 12, 2013

Under Federal Rule of Evidence 201, Defendant Grounds requests that the Court take judicial notice of the following district court actions previously filed by Plaintiff, identified by Public Access to Court Electronic Records (PACER) search results and true and correct copies that are attached as follows:

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1 **Exhibit** **Case and Court Documents**

- 2 **A** ***Peyton v. Aston, 04-9577 FMC (AJW)***: Report and Recommendation
3 recommending dismissal of Plaintiff's complaint for failure to state a claim (Doc.
4 no. 12); Order adopting Report and Recommendation (Doc. no. 16); Judgment.
5 (Doc. no. 17.)
- 6 **B** ***Peyton v. Felker, case no. 2:08-cv-00639 HWG***: Order dismissing claim with
7 leave to amend for failure to state a claim and noting that failure to amend will
8 count as a strike (Doc. no. 20); judgment (Doc. no. 21.)
- 9 **C** ***Peyton v. City and County of Ventura, et al., 10-5313 UA (AJW)***: Report and
10 Order dismissing Plaintiff's complaint for failure to state a claim and noting that
11 dismissal constitutes a strike. (Doc. no. 2.)
- 12 **D** ***Peyton v. Dammeyer, 10-5309 UA (AJW)***: Report and Order that complaint be
13 dismissed for failure to state a claim. (Doc. no. 2.)

14 Judicial notice is appropriate where the fact is not subject to reasonable dispute because it is
15 "capable of accurate and ready determination by resort to sources whose accuracy cannot
16 reasonably be questioned." Fed. R. Evid. 201(b)(2). The Court may properly take judicial notice
17 of public records, including its own records and the records of other courts. *U.S. v. Wilson*, 631
18 F.2d 118, 119 (9th Cir. 1980); *Pavone v. Citicorp Credit Servs., Inc.*, 60 F. Supp. 2d 1040, 1045
19 (S.D. Cal. 1997).

20 Dated: November 24, 2014

21 Respectfully submitted,

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24 MARISA Y. KIRSCHENBAUER
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26 */s/ Elliott T. Seals*
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